



**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING
REJECTION OVER A PENDING SECOND PATENT APPLICATION AND
CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

In re Patent Application of: Jose Gabriel Menchero

Application No. 09/698,693

Filed: October 27, 2000

For: METHOD AND SYSTEM FOR MULTI-PERIOD PERFORMANCE ATTRIBUTION

Petitioner, Vestek Systems, Inc., is the owner of a 100 percent interest in the instant application, and in pending second Application Number 09/613,855, filed on July 11, 2000, by assignment, recorded in the Patent and Trademark Office on February 13, 2001, at Reel 11529, Frame 0016. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/613,855. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and certifies that, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

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made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5/12/04



Signature

SUSAN J. LUNDQUIST, VICE PRESIDENT

Typed or printed name, and title

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

Atty Docket No.: VTEK-110